

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 944 OF 2006

1. Sunil Ashok Fundekar
and Ors.

...Applicants.

V/s

State of Maharashtra

...Respondent.

Mr. N.D. Deboo with Mr. Abhay Bhoir for the
applicants.

Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 8th March, 2006

P.C.

1. Heard the learned Counsel for the applicants and
the learned APP for the State.

2. The applicants are arrested in connection with
C.R. No.391 of 2006 registered at M.I.D.C. Police
Station for the offence punishable under sections 302,
323, 504, 506, 34 of the Indian Penal Code.

3. The prosecution case is that there was an
altercation between the deceased and the applicant
No.2 and, at that time, one of the accused assaulted
the deceased with stone on her head as a result of
which she died. The post-mortem notes indicate that
there are five injuries on the person of the deceased.

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Four injuries are abrasions and 5th is the injury on head which was a cause of death. The accused who had caused the said injury is released on bail. The investigation is almost over. The applicants are in jail since 4/9/2005.

4. Under these circumstances, in my view, the applicants are entitled to be released on bail. The applicants accordingly be released on bail in the sum of Rs 5000/- each with one or to sureties in the like amount each. The applicant Nos. 1 and 3 to report to M.I.D.C. Police Station once in a month and, thereafter, all the applicants shall remain present in the Sessions Court on the respective dates.

5. Application is accordingly disposed of.

V.M. KANADE, J.